

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT MASSACHUSETTS**

**IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS
LIABILITY LITIGATION**

MDL No. 2419

Docket No.: 1:13-md-02419-RWZ

THIS DOCUMENT RELATES TO:

**Armetta, et al. v. Box Hill Surgery Center,
LLC, et al.
No. 1:14-cv-14022-RWZ**

**Bowman, et al. v. Box Hill Surgery Center,
LLC, et al.
No. 1:14-cv-14028-RWZ**

**Davis, et al. v. Box Hill Surgery Center,
LLC, et al.
No. 1:14-cv-14033-RWZ**

**Dreich, et al. v. Box Hill Surgery Center,
LLC, et al.
No. 1:14-cv-14029-RWZ**

**Farthing, et al. v. Box Hill Surgery Center,
LLC, et al.
No. 1:14-cv-14036-RWZ**

**Kashi, et al. v. Box Hill Surgery Center,
LLC, et al.
No. 1:14-cv-14026-RWZ**

**Torbeck, et al. v. Box Hill Surgery Center,
LLC, et al.
No. 1:14-cv-14023-RWZ**

**Handy, et al. v. Box Hill Surgery Center,
LLC, et al.
No. 1:14-cv-14019-RWZ**

EMERGENCY MOTION TO STAY DEPOSITION OF
NON-PARTY BARBARA WAGNER

Non-party Barbara Wagner, by and through her attorneys, R. Scott Krause, Ashley L. Marucci and Eccleston and Wolf, P.C., hereby moves on an emergency basis to stay the deposition scheduled pursuant to the Subpoena and Amended Notice of Deposition *Duces Tecum* issued by the Plaintiffs in the above-referenced cases (see Docket No. 2927) until the issues in Ms. Wagner's contemporaneously filed Motion for Protective Order (see Docket No. 2953) are resolved.

Ms. Wagner's deposition is currently scheduled to take place on June 28, 2016. As explained more fully in the contemporaneously filed Motion for Protective Order and supporting Memorandum of Law, undersigned counsel did not receive a copy of the Subpoena and Amended Notice of Deposition *Duces Tecum* from Plaintiffs' counsel until June 14, 2016, when it was transmitted via email. Subsequent efforts by undersigned counsel to resolve the discovery dispute relating to the scope of the deposition topics and requested documents were unsuccessful. Given the quickly approaching deposition date, and in an effort to avoid multiple piecemeal depositions of Ms. Wagner, a non-party to these cases, it is respectfully requested that this Court issue an Order staying Ms. Wagner's deposition until the Motion for Protective Order can be considered and decided on the merits.

WHEREFORE, Non-party Barbara Wagner respectfully requests that this Court issue an Order staying the deposition scheduled for June 28, 2016 until the issues set forth in the Motion for Protective Order are resolved, and requests such other and further relief as this Court deems just and proper.

Respectfully submitted,

/s/ R. Scott Krause

R. Scott Krause (Fed. Bar # 23667)
Eccleston & Wolf, P.C.
Baltimore-Washington Law Center
7240 Parkway Drive, 4th Floor
Hanover, MD 21076
krause@ewmd.com
410-752-7474 (telephone)
410-752-0611 (facsimile)

/s/ Ashley L. Marucci

Ashley L. Marucci (Fed. Bar # 18642)
Eccleston & Wolf, P.C.
Baltimore-Washington Law Center
7240 Parkway Drive, 4th Floor
Hanover, MD 21076
marucci@ewmd.com
410-752-7474 (telephone)
410-752-0611 (facsimile)

Attorneys for Non-party Barbara Wagner

CERTIFICATE OF SERVICE

This will certify that a true and accurate copy of the foregoing Emergency Motion to Stay Deposition of Non-Party Barbara Wagner was served on all counsel of record by virtue of the Court's electronic filing system this 23rd day of June, 2016.

/s/ Ashley L. Marucci

Ashley L. Marucci